

Appl. No. 09/729,626  
Atty. Docket No. 7880M  
Amdt. dated April 5, 2004  
Reply to Final Rejection of December 19, 2003

### **REMARKS**

Claims 1-3, 11-18, 21-25, 31-34, 37-38 and 47-61 are now in the case.

Applicants have cancelled claims 4-5 and 7-10 without prejudice.

Applicants have amended claim 1 to include the features of a disposable cleaning sheet comprising a working face and a back face, wherein the working face comprises non-random raised regions and recessed regions and wherein the recessed regions form a continuous pattern in the X-Y dimension surrounding discrete raised regions wherein said working face has an Average Height Differential of at least about 1 mm, wherein the continuous recessed pattern comprises channels having a width of between about 1 mm to about 8 mm.

Applicants have amended claims 6, 11-14, 16, 33 and 38 to correct their dependency.

Applicants have added claims 47-61 to claim additional features.

Each of these amendments is supported by the specification, claims and drawings as filed (see page 3, lines 21-25, page 10, lines 26-29 and page 15, lines 30-31).

### **Rejections under 35 U.S.C. 102**

Claims 1-3 stand rejected under 35 U.S.C. 102(b) as being anticipated by Green way '461 for reasons of record stated in paragraph 1 of the Final Office Action dated 12/19/03.

Applicants submit that claim 1 has been amended and now includes the feature of a disposable cleaning sheet comprising a working face and a back face, wherein the working face comprises non-random raised regions and recessed regions and wherein the recessed regions form a continuous pattern in the X-Y dimension surrounding discrete raised regions wherein said working face has an Average Height Differential of at least about 1 mm, wherein the continuous recessed pattern comprises channels having a width of between about 1 mm to about 8 mm.

As best understood by Applicants, Greenway et al. disclose a nonwoven fabric having a patterned textile-like aesthetic finish made via "an entangling member formed from a plate including a plurality of generally circular apertures which each have a circumferential edge.

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The preferred pattern includes a plurality of frusto-conical apertures arranged so that the spacing ratio of machine direction ("MD") apertures is greater than cross direction ("CD") apertures. This pattern yields a novel textile-like fabric pattern in which an array of dense nodes are connected by a diamond shaped pattern of interstitial fibers." (See Col 2, lines 52-55 and Col 3, lines 7-13).

Applicants note that Greenway et al. do not teach or suggest a disposable cleaning sheet having non-random raised regions and recessed regions wherein the recessed regions form a continuous pattern in the X-Y dimension surrounding discrete raised regions wherein said working face has an Average Height Differential of at least about 1 mm, wherein the continuous recessed pattern comprises channels having a width of between about 1 mm to about 8 mm.

Consequently, it is Applicants' position that the amendment of claim 1 overcomes the rejection un 35 U.S.C. 102(b).

Reconsideration and withdrawal of the rejections are therefore respectfully requested.

### **Rejections under 35 U.S.C. 103**

Claims 1-14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Green way '461 for reasons of record stated in paragraph 4 of the Final Office Action.

For the sake of brevity, Applicants submit that Green way '461 does not teach or even remotely suggest a disposable cleaning sheet having non-random raised regions and recessed regions wherein the recessed regions form a continuous pattern in the X-Y dimension surrounding discrete raised regions wherein said working face has an Average Height Differential of at least about 1 mm, wherein the continuous recessed pattern comprises channels having a width of between about 1 mm to about 8 mm.

Applicants note that "[t]o establish a prima facie case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

It is therefore Applicants' position that the office action has failed to establish a *prima facie* case of obviousness.

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The Final Office Action asserted that "Greenway differs from the claimed invention because it does not disclose the precise patterns claimed and does not disclose the average height differential. However, Greenway does teach that the pattern on the fabric will directly reflect the pattern on the forming surface. Therefore, it would have been obvious to one of ordinary skill in the art to have selected the appropriate patterns which would produce the desired characteristics such as softness, hand, etc in the final product."

Applicants respectfully disagree.

Applicants remind the Examiner that "[I]nherency may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." (Emphasis supplied) *In re Oelrich and Divigard*, 212 U.S.P.Q. 323, 326 (C.C.P.A. 1981). It is also well settled that "what may be inherent is not necessarily known. Obviousness cannot be predicated on what is unknown." *In re Naylor*, 369 F.2d 765, 768 (CCPA 1967); and *In re Newell*, 891 F.2d 899 (Fed. Cir. 1989), where it was argued that "a retrospective view of inherency is not a substitute for some teaching or suggestion which supports the selection and use of the various elements in the particular claimed combination."

Claims 15-18, 21-25 and 31-38 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Green way '461 respectively in view of Shizuno et al. '397, further in view of Floyd et al. '001 and further in view of Lin '664.

Applicants respectfully submit that none of the previous references neither teach nor suggest either alone or in combination a disposable cleaning sheet having non-random raised regions and recessed regions wherein the recessed regions form a continuous pattern in the X-Y dimension surrounding discrete raised regions wherein said working face has an Average Height Differential of at least about 1 mm, wherein the continuous recessed pattern comprises channels having a width of between about 1 mm to about 8 mm.

It is therefore Applicants' position that the office action has failed to establish a *prima facie* case of obviousness.

Reconsideration and withdrawal of the rejections are therefore respectfully requested.

It is submitted that all the claims are in condition for allowance. Early and favorable action on all claims is therefore requested.

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If the next action is other than to allow the claims, the favor of a telephonic interview is requested with the undersigned representative.

Respectfully submitted,

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